

# United States Senate

WASHINGTON, DC 20510

July 3, 2019

The Honorable Jennifer L. Costello  
Acting Inspector General  
Department of Homeland Security  
Office of Inspector General/MAIL STOP 0305  
245 Murray Lane SW  
Washington, DC 20528-0305

Dear Ms. Costello:

We write to urge your office to conduct a thorough and robust investigation of current and former employees at U.S. Customs and Border Protection (CBP) who reportedly engaged in inappropriate behavior and misconduct on social media.

On July 1, 2019, ProPublica reported that up to 9,500 current and former CBP employees from across the country belong to a private online group known as “I’m 10-15”—CBP code for “aliens in custody.” The group was reportedly started in August 2016 and its page contains a series of derogatory remarks and graphic images targeting immigrants fleeing persecution in their home countries.<sup>1</sup>

The behavior exhibited in this private online group is shameful, inappropriate, and unprofessional. For example, according to ProPublica, recent posts to the group include a video of a migrant man attempting to carry a migrant child across a river in a garbage bag, presumably for protection or cover. In response, one poster commented “[a]t least it’s already in a trash bag” in reference to the child, while another commented “[s]ous-vide? Lol,” in reference to a method of cooking food in a bag.<sup>2</sup> In response to a news story about a 16-year-old Guatemalan migrant who died in May while in CBP custody, group members posted an image of Elmo saying “Oh well” while another stated “If he dies, he dies.”<sup>3</sup> Not only is such indifference towards the death

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<sup>1</sup> A.C. Thompson, *Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes*, PROPUBLICA, Jul. 9, 2019, available at: <https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes>; A.C. Thompson, Dara Lind, *Investigation of Secret Border Patrol Group Launched as New Degrading Facebook Posts Surface*, PROPUBLICA, Jul. 1, 2019, available at: <https://www.propublica.org/article/investigation-of-secret-border-patrol-group-launched-as-new-degrading-facebook-posts-surface>

<sup>2</sup> A.C. Thompson, Dara Lind, *Investigation of Secret Border Patrol Group Launched as New Degrading Facebook Posts Surface*, PROPUBLICA, Jul. 1, 2019, available at: <https://www.propublica.org/article/investigation-of-secret-border-patrol-group-launched-as-new-degrading-facebook-posts-surface>

<sup>3</sup> A.C. Thompson, Dara Lind, *Investigation of Secret Border Patrol Group Launched as New Degrading Facebook Posts Surface*, PROPUBLICA, Jul. 1, 2019, available at: <https://www.propublica.org/article/investigation-of-secret-border-patrol-group-launched-as-new-degrading-facebook-posts-surface>

of several human beings inhumane, but also it is especially troubling when said by those individuals responsible for serving the public at our border.

ProPublica reportedly linked at least some of the posts in the group to the social media profiles of currently active CBP agents. Moreover, Daniel Martinez, a sociologist at the University of Arizona in Tucson, told ProPublica that the postings in the group reflect “a pervasive culture of cruelty aimed at immigrants within CBP. This isn’t just a few rogue agents or ‘bad apples.’”<sup>4</sup> The online group contains vile and harmful sentiments that the National Border Patrol Council was quick to condemn as “not representative of our employees,” noting further that it “does a great disservice to all Border Patrol agents, the overwhelming majority of whom perform their duties admirably.”<sup>5</sup> The United States government has a responsibility to treat individuals with dignity and respect. We thank those officers who work tirelessly to keep Americans safe and reflect those core values for their service. However, the disturbing conduct reflected in the online group falls woefully short of the standards to which we must hold ourselves and our public officers.

We understand that CBP has already requested that your office conduct a full investigation. We ask that your report include the following information regarding the conduct described in ProPublica’s report:

1. According to a recent Department of Homeland Security (DHS) Office of Inspector General (OIG) report, DHS does not have sufficient policies and procedures to address employee misconduct.<sup>6</sup> What policies and procedures apply to the conduct described in the ProPublica report? Do they sufficiently encompass the reported conduct?
2. How many allegations of misconduct or other reportable information relating to the type of conduct described in the ProPublica report were made to the Joint Intake Center for CBP employees? What was the nature of each allegation? How many employees reported for alleged misconduct were in supervisory roles? How were these allegations or reports addressed?
3. How many members of the group described in ProPublica’s report are current employees of CBP?

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<sup>4</sup> A.C. Thompson, *Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes*, PROPUBLICA, Jul. 9, 2019, available at: <https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes>

<sup>5</sup> National Border Patrol Press Release, *National Border Patrol Council (NBPC) Issues Statement on ProPublica News Article Regarding Facebook Group ‘I’m 10-15’*, Jul. 1, 2019, available at: [file:///C:/Users/JD41974/Downloads/July-1-2019-Press-Release-Facebook-Group%20\(1\).pdf](file:///C:/Users/JD41974/Downloads/July-1-2019-Press-Release-Facebook-Group%20(1).pdf); A.C. Thompson, Dara Lind, *Investigation of Secret Border Patrol Group Launched as New Degrading Facebook Posts Surface*, PROPUBLICA, Jul. 1, 2019, available at: <https://www.propublica.org/article/investigation-of-secret-border-patrol-group-launched-as-new-degrading-facebook-posts-surface>

<sup>6</sup> See Office of Inspector General, U.S. Department of Homeland Security, *DHS Needs to Improve Its Oversight of Misconduct and Discipline*, Jun. 17, 2019. <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-48-Jun19.pdf>



4. How did DHS or CBP apply the existing policies and procedures to current CBP employees to hold them accountable for the conduct described in the ProPublica report? Please include in your report whether any individuals were terminated or from CBP employment or received any other disciplinary action in connection with the conduct described in the ProPublica report.
5. Does DHS offer any social media, implicit bias, or any other training that may prevent this conduct by CBP employees going forward?
6. Please include in your report specific recommendations for how CBP agents who have engaged in misconduct should be held accountable for their actions.

Thank you for your attention to this important matter. We look forward to your timely response within 30 days notifying us that the investigation has been opened and confirming whether the information we have requested will be included in the report.

Sincerely,



Kamala D. Harris  
United States Senator



Patrick Leahy  
United States Senator



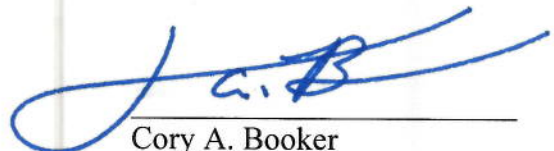
Edward J. Markey  
United States Senator



Amy Klobuchar  
United States Senator



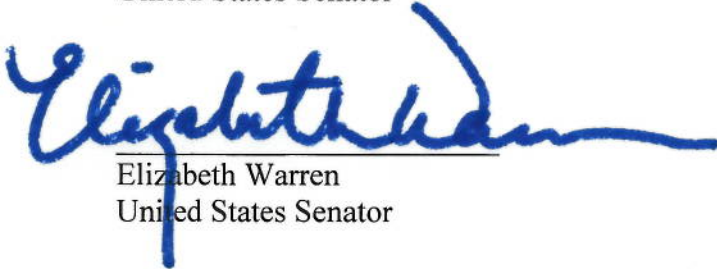
Bernard Sanders  
United States Senator




Cory A. Booker  
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Tina Smith  
United States Senator



Elizabeth Warren  
United States Senator



Richard Blumenthal  
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